

Public Notice

U.S. Army Corps of Engineers, Norfolk District

February 22, 2005

CENAO-TS-G
04-V2180

FEDERAL PUBLIC NOTICE

The District Engineer, the Virginia Department of Environmental Quality, the Virginia Marine Resources Commission and the Gloucester County Wetlands Board have received a joint application for Federal and State permits as described below:

APPLICANT

Mr. Richard G. Bass
3581 Cedar Bush Road
Hayes, Virginia 23072

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located on Cedar Bush Creek a tributary to the York River, in Gloucester County, Virginia.

PROPOSED WORK AND PURPOSE: The applicant proposes to place 250 feet of riprap revetment to control erosion, construct a 10-foot wide by 250-foot long ledge to place the material and perform the riprap work due to the embankment and construct a 130-foot by 6-foot open pile pier with an 18-foot by 32-foot covered boatlift.

In addition to the required Department of the Army permit, the applicant must obtain a Virginia Water Protection Permit/401 certification from the Virginia Department of Environmental Quality assuring that applicable laws and regulations pertaining to water quality are not violated, a permit from the Virginia Marine Resources Commission and the Gloucester County Wetlands Board. Project drawings are attached.

AUTHORITY: Permits are required pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (Public Law 95-217) and Title 62.1 of the Code of Virginia.

FEDERAL EVALUATION OF APPLICATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected from the proposal must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The Environmental Protection Agency's "Guidelines for Specification of Disposal Sites for Dredged or Fill Material" will also be applied (Section 404(b)(1) of the Clean Water Act).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Engineer within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Engineer will then decide if a hearing should be held.

Preliminary review indicates that: (1) no environmental impact statement will be required; (2) **Haliaeetus leucocephalus and Tidal Mesohaline/Polyhaline Marsh listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) could be affected;** and (3) no known properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, or would likely be affected by the proposal. Additional information might change any of these findings. For compliance with the Coastal Zone Management Act of 1972, as amended, the applicant must certify that federally licensed or permitted activities affecting Virginia's coastal zone (Tidewater) will be conducted in a manner consistent with the Virginia Coastal Resources Management Program (VCP). For more information or to obtain a list of the enforceable programs of the VCP, contact the Department of Environmental Quality, Office of Environmental Impact Review at (804) 698-4330 or e-mail: elirons@deq.virginia.gov.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The York River contains Essential Fish Habitat (EFH) for the egg, larvae, juvenile and adult life stages of four (4) species including king mackerel (*Scomberomorus cavalla*), Spanish mackerel (*Scomberomorus maculatus*), cobia (*Rachycentron canadum*) and red drum (*Sciaenops ocellatus*). The habitat which this project would affect consists of shallow water, mud flats and intertidal wetlands. The proposed project is described in Proposed Work and Purpose, above. The placement of fill material for the ledge will disturb the intertidal area. Our assessment of the project leads us to a preliminary determination that it will not have a substantial adverse effect on EFH and therefore expanded EFH consultation is not required. Based on comments from the National Marine Fisheries Service in response to this public notice, further EFH consultation may be necessary.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the US Army Corps of Engineers (ATTN: Alicia G. Riley), Post Office Box 209, Bena, Virginia 23018, and should be received by the close of business on March 22, 2005.

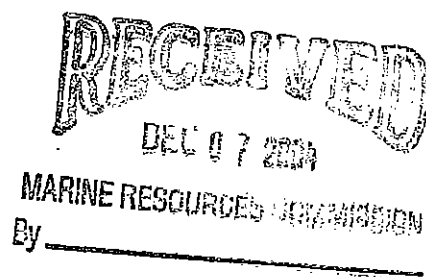
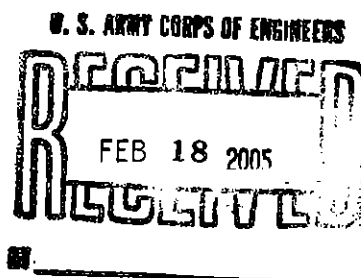
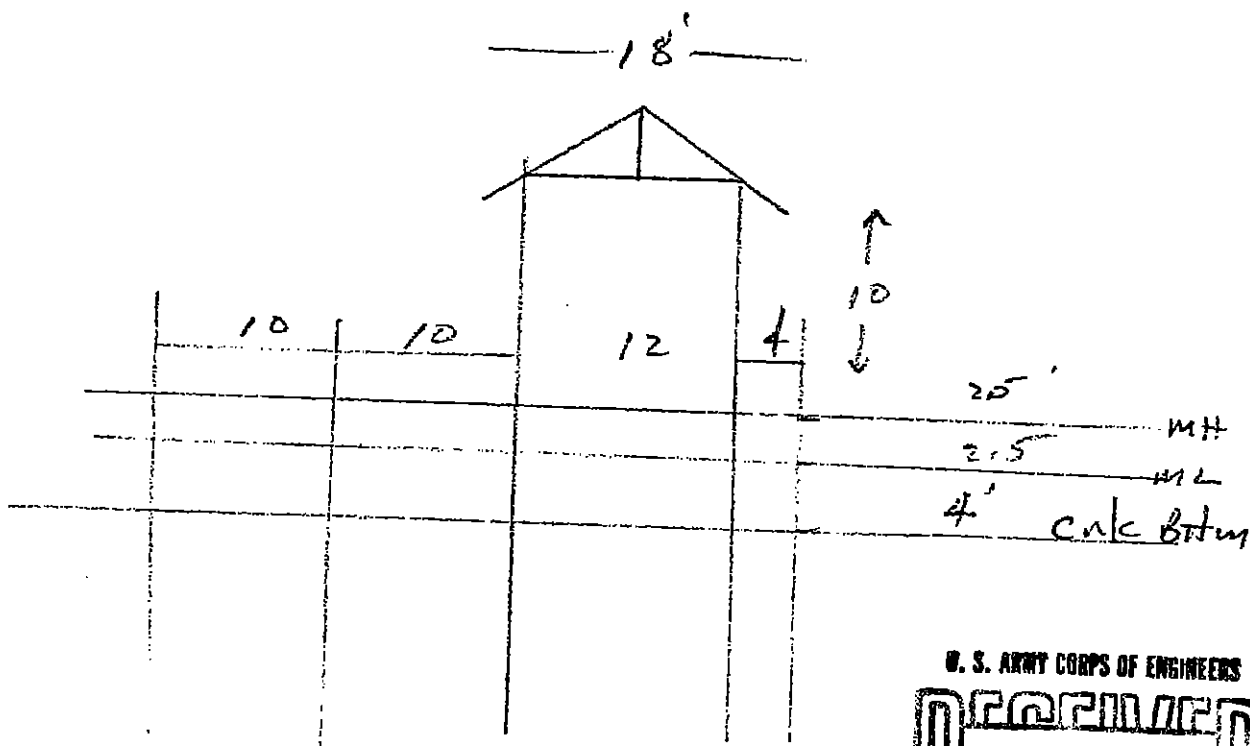
If you have any questions about this project or the permit process, please call:

Alicia G. Riley
(804) 642-0700
Fax (804) 642-5070

FOR THE DISTRICT ENGINEER:

Bruce F. Williams
Chief, Northern Virginia
Regulatory Section

Attachment: Drawings



Richard Bass
 Section Boats 2
 8-1-04

ADDITIONAL INFO
 REVISION

RIVERWORKS, INC.
 Jeff Watkins
 P. O. Box 515
 Gloucester, VA 23061
 804-642-2826

See Map
River mouth
Cedar Bush Creek
Richard Bush

Yards - Triples/Bowling

existing veg. slope
to formation

Toe & Top are
Flagged

RECEIVED

DEC 07 2004

MARINE RESOURCES COMMISSION

By

ADDITIONAL INFO
SECTION

9' Levee

placed
clay
Road 337
on F.C.

1 1/2 = slope

FILL

MHW

MLW

9'

Burnish
Top 24"

Riverworks inc.
8-1-04

Revised 11-1-04

RIVERWORKS, INC.
Jeff Watkins
P. O. Box 515
Gloucester, VA 23061